

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of)	
)	
Request for Review of the Decision of the)	
Universal Service Administrator by)	
)	
Monmouth Ocean Educational Services)	File Nos. SLD-307404, 321280,
Commission)	321541, 323561
Tinton Falls, New Jersey)	
)	
Schools and Libraries Universal Service Support)	CC Docket No. 02-6
Mechanism)	

ORDER

Adopted: November 12, 2003

Released: November 13, 2003

By the Telecommunications Access Policy Division, Wireline Competition Bureau:

1. Monmouth Ocean Educational Services Commission (Monmouth Ocean), Tinton Falls, New Jersey, seeks review of four November 22, 2002 decisions by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator).¹ On January 24, 2003, Monmouth Ocean appealed the decisions to SLD, but SLD denied the appeal because Monmouth Ocean filed the appeal more than 60 days after the decision was rendered.² We affirm SLD's decision. For a review of decisions by SLD, appeals to SLD must be filed within 60 days of the issuance of the SLD decision date.³ Here, Monmouth Ocean filed its appeal to SLD after the 60-day period, in contravention of our rules. We therefore deny the Request for Review.

¹ Letter from Sister Elizabeth Dalessio, Monmouth Ocean Educational Services Commission, to Federal Communications Commission, filed August 19, 2003 (Request for Review). *See also* Postcards from Schools and Libraries Division, Universal Service Administrative Company, to Sister Elizabeth Dalessio, Monmouth Ocean Educational Services Commission, dated November 22, 2002, regarding SLD Application Numbers 307404, 321280, 321541, and 323561 (OOW Postcards). Any person aggrieved by an action taken by a division of the Administrator may seek review from the Commission. 47 C.F.R. § 54.719(c).

² *See* Letter from Sister Elizabeth Dalessio, Monmouth Ocean Educational Services Commission, to Schools and Libraries Division, Universal Service Administrative Company, filed January 24, 2003; Letters from Schools and Libraries Division, Universal Service Administrative Company, to Sister Elizabeth Dalessio, Monmouth Ocean Educational Services Commission, dated June 30, 2003, regarding SLD Application Numbers 307404, 321280, 321541, and 323561.

³ 47 C.F.R. § 54.720(b). *See In the Matter of Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Second Report and Order and Further Notice of Proposed Rulemaking, 18 FCC Rcd 9202, 9221 (rel. Apr. 30, 2003).

2. To the extent that Monmouth Ocean additionally asks us to waive our rules in this instance, we also deny its request.⁴ Monmouth Ocean states that it received the postcards from SLD denying its 471 applications on January 9, 2003, although the postmark said November 22, 2002.⁵ Monmouth Ocean further states that the postcards were not delivered in a timely fashion because Monmouth Ocean received the postcards with all the bulk mail it receives on a daily basis.⁶ Waiver is appropriate only if special circumstances warrant a deviation from the general rule, and such deviation would better serve the public interest than strict adherence to the rule.⁷ Given the thousands of applications SLD processes each year, it is administratively necessary to place the burden of meeting deadlines on the applicants.⁸ As we have consistently held in the past, applicants are responsible for submitting their appeals in a timely manner and complying with program rules and procedures.⁹ Merely stating that a letter was not received in a timely manner at the address provided to SLD and to which prior correspondence had been successfully mailed is insufficient grounds for reconsideration.¹⁰

3. ACCORDINGLY, IT IS ORDERED, pursuant to authority delegated under sections 0.91, 0.291, 1.3 and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, 1.3 and 54.722(a), that the Request for Review filed on August 19, 2003, by Monmouth Ocean Educational Services Commission, Tinton Falls, New Jersey, and the request to waive the 60-day time limit in which to file an appeal ARE DENIED.

FEDERAL COMMUNICATIONS COMMISSION

Mark G. Seifert
Deputy Chief, Telecommunications Access Policy Division
Wireline Competition Bureau

⁴ 47 C.F.R. § 54.720(b).

⁵ Request for Review.

⁶ *Id.*

⁷ 47 C.F.R. § 1.3; *see Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

⁸ *See Request for Review by Anderson School Staatsburg, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-133664, CC Docket Nos. 96-45 and 97-21, Order, 15 FCC Rcd 25610, 25612-25613 (Com. Car. Bur. 2000).

⁹ *Request for Review by St. Mary's Public Library, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. NEC.471.12-07-99.02000002, CC Docket Nos. 96-45 and 97-21, Order, 16 FCC Rcd 12936, 12938 (Com. Car. Bur. 2001) (denying a waiver request to the extent it is requested due to misunderstanding of the program's rules).

¹⁰ *See Request for Review by Whitehall City School District*, Docket Nos. 96-45 and 97-21, Order, 15 FCC Rcd 15157 (Com. Car. Bur. 2000); *Juan Galiano*, Memorandum Opinion and Order, 5 FCC Rcd 6442, 6443 (1990) ("[I]f the Commission were to entertain and accept unsupported arguments that letters mailed in Commission proceedings were not delivered... procedural havoc and abuse would result.").